



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

APR 24 2017

Certified Mail
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN THE MATTER OF: GEAR BOX Z, INC.

Gear Box Z, Inc.
55 North Pioneer St. #2246
Colorado City, AZ 86021

ATTENTION: Jerry Black

Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency (EPA) hereby requires Gear Box Z, Inc. (Gear Box Z) to submit certain information as part of an EPA investigation to determine Gear Box Z's compliance with Section 203 of the Clean Air Act (CAA), 42 U.S.C. § 7522, and the applicable regulations at 40 C.F.R. Parts 85, 86, 1037, and 1068. Examples of vehicles regulated under these Parts include, but are not limited to, light and heavy-duty trucks. Appendix A provides definitions for some of the terms used in this request, Appendix B provides instructions for your responses to this request, and Appendix C specifies the information that you must submit.

The EPA is issuing this Request for Information under Section 208(a) of the CAA, 42 U.S.C. § 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with these requirements and the regulations promulgated thereunder. The Administrator has delegated this authority to the undersigned Director of the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

You must submit responses to this Request for Information within thirty (30) calendar days from the date you receive this letter. Please carefully review the instructions, definitions, and specific requests as you prepare your response. If you anticipate being unable to fully respond to this Request for Information by this date, you must contact Rose Galer at (415) 947-4289 within 15 days of the date you receive this letter and, with an appropriate justification, request an extension of time to answer some or all of the requests. If timely submitted, the EPA will review your extension request and may extend the time in which your response must be provided.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). Failure to provide all requested information in its

entirety, and in the format requested, may result in additional inquiries and penalties. It is important that your responses be clear, accurate, organized, and complete. We will regard submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes. We may use any information submitted in response to this Request for Information in an administrative, civil, or criminal action.

We would like to take this opportunity to advise you may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Please review the enclosed SBREFA Information Sheet, which is designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA's enforcement activities. Please be aware that SBREFA does not eliminate Gear Box Z's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman.

Finally, you must submit all requested information under an authorized signature with the following certification (provided in Appendix D):

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information, in accordance with the procedures described in the Confidentiality of Business Information ("CBI") regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph and sentence when identifying the information subject to your CBI claim. Appendix E of this Request for Information specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit all requested information, via electronic mail or express delivery, to:
Matt Salazar, Manager, Air Enforcement Office
Enforcement Division
Attn: Rose Galer, Environmental Protection Specialist
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (ENF-2-1)
San Francisco, CA 94105

Any questions concerning this Request for Information should be directed to Rose Galer at 415-947-4289 or Galer.Rose@epa.gov or have your attorney contact Ryan Bickmore in the Office of Regional Counsel at 415-972-3058 or Bickmore.Ryan@epa.gov.



Matt Salazar
Manager, Air Enforcement Office
United States Environmental Protection Agency
Region 9

4.24.2017

Date

Appendix A

Definitions

1. All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et seq., or the Motor Vehicle Regulations found at 40 C.F.R. Parts 85, 86, 1037, and 1068.
2. The terms “affiliate” or “affiliated” are used to indicate a relationship to a specified person, and mean any person that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with such person (other than entities serving solely as customs brokers).
3. The terms “document” and “documents” means any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy shall also include attachments to or enclosures with any document.
4. The term “electronic control module” or “ECM” means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. The ECM uses software programming including calculations and tables of information to provide the appropriate outputs. ECM can be a generic term but may refer specifically to the engine control module when discussing emission controls on vehicles and engines. Other ECMs may be incorporated separately with multiple units used to control various engine, vehicle, or equipment functions. Examples of electronic control modules include, but are not limited to, Engine Control Module, OBD Control Modules, Powertrain Control Module (PCM), Transmission Control Module (TCM), Body Control Module (BCM) and after treatment control module. Any or all of these modules may be combined into a single unit.
5. The term “Emission Related Parts” means those parts installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance as defined in 40 C.F.R. § 85.2102 (including but not limited to a catalytic converter, a turbocharger, an exhaust gas recirculation, a diesel particulate filter, a secondary catalytic reactor, a fuel injector, a selective catalytic reduction, onboard diagnostics, and electronic control).

6. The term “exhaust gas recirculation” or “EGR” includes systems which redirect, usually by use of an EGR valve, a portion of engine exhaust back into the engine’s combustion chamber to cool and reduce peak combustion temperatures and pressures, thereby reducing the production of nitrogen oxide (NO_x). The EGR system may include an EGR cooler to cool the recirculated exhaust to further reduce the combustion temperature.
7. The term “onboard diagnostics” or “OBD” includes systems which monitor components that can affect the emission performance of the vehicle to ensure that the vehicle remains as clean as possible over its entire life, and assists repair technicians in diagnosing and fixing problems with the computerized engine controls. If a problem is detected, the OBD system illuminates a warning lamp on the vehicle instrument panel to alert the driver.
8. The term “person” includes an individual, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal entity, organization or association.
9. The term “selective catalytic reduction” or “SCR” includes systems which inject a reductant, such as diesel exhaust fluid (DEF), into the exhaust stream where it reacts with a catalyst to convert NO_x to nitrogen gas (N_2) and water (H_2O).
10. The terms “you”, “your”, and “Gear Box Z” includes Gear Box Z, Inc. and any affiliates, predecessors, successors, and assigns.

Appendix B

Instructions for Responses

1. This Request for Information is a continuing request. You must promptly supplement your response to any request in Appendix C in the event you learn that you possess responsive information not yet produced or if you gain possession, custody, or control of responsive information after initially responding to this Request for Information.
2. Provide a complete, detailed response to each of the requests in Appendix C. Provide any narrative responses or lists in English, in written document form or in electronic form using an electronic spreadsheet (e.g., Word, Excel).
3. Where documents or information necessary for a response is not in your possession, custody or control, indicate in your response why such documents or information is not available or in your possession, custody or control, and identify any source that either possesses or is likely to possess such information.
4. All submitted documents should be copies and not original documents.
5. You must maintain an unaltered and complete copy of your website as it exists at the time this letter is received. This includes all pages, graphical elements, and text displayed on the website. You must provide this information in readable electronic format to EPA within ten days upon request.

Appendix C

Request for Information

Gear Box Z must submit the following information to the United States Environmental Protection Agency pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, regarding the sale or offering for sale of certain parts and products.

1. The enclosed Table 1 identifies each exhaust system or exhaust system component (collectively “component”) currently offered for sale on Gear Box Z’s website at www.gearboxz.com. Please complete the table by filling in the missing information. Specifically, as shown in the table, for each component Gear Box Z must:
 - Indicate whether the component enables removal of an Emission Related Part (e.g., by removing the DPF or SCR or bypassing the EGR);
 - If so, identify which Emission Related Part(s) (e.g., DPF, SCR, EGR);
 - Identify the quantity that was sold by Gear Box Z to consumers with shipping addresses in the United States from January 1, 2015 through the date of this letter; and
 - Identify the quantity that was sold by Gear Box Z to wholesalers, distributors, or authorized dealers from January 1, 2015 through the date of this letter.
2. For each component identified in Table 1, provide the following:
 - a. Indicate the vehicle applications by make, model, and year.
 - b. Describe the function of the component and identify whether and how the component enables removal of an Emission Related Part.
 - c. Provide copies of the technical specifications, installation and operating instructions, and warranty information.
 - d. Indicate whether the component is described by Gear Box Z in any documentation, marketing materials, advertisements, websites, or other media with the following statement or similar language:
 - “Legal for racing vehicles only which may never be used on a highway”
 - “Never to be used on a highway”

- “Off-highway racing use only”
- “Off-road use only”
- “Race use only”
- “Not for sale in California”
- “Not legal in the state of California”

Provide references to all materials containing such statements.

- e. If Gear Box Z has recommended that the component be used for testing, maintenance, racing, or off-road only, describe the mechanisms, if any, that Gear Box Z has implemented to ensure that the component is only used for such purposes.
 - f. Provide copies of receipts for the total quantity of each component sold by Gear Box Z to consumers with shipping addresses in the United States during since January 1, 2015 through the date of this letter.
 - g. Provide copies of invoices or receipts for each component sold by Gear Box Z to all wholesalers, distributors, or authorized dealers during from January 1, 2015 through the date of this letter.
 - h. Identify the name, address, contact person, and phone number of each wholesaler, distributor, and authorized dealer for which Gear Box Z provides an invoice or receipt in response to Question 2.g. For each entity identified, also identify the brand name under which each component is or has been marketed.
3. Provide the name and address of each location where any of the components identified in Table 1 have been or currently are being stored or offered for sale by Gear Box Z.
 4. Indicate whether, since January 1, 2015, Gear Box Z has sold or offer for sale any exhaust system or exhaust system component not identified in Table 1. If so, provide a list of each component and indicate whether the component removes or enables removal of an Emission Related Part.
 5. The enclosed Table 2 identifies each programmer, module, tuner, ECM calibration tool, flash tool, or engine management products (collectively “EM products”) currently offered for sale on Gear Box Z’s website at www.gearboxz.com. Please complete the table by filling in the missing information. Specifically, as shown in the table, for each EM product Gear Box Z must:
 - Indicate whether the EM product: (1) disables or renders inoperative an Emission Related Part, or (2) reads, clears, or prevents the occurrence of vehicle diagnostic

trouble codes, or uses any other means to interfere with the proper functioning of the vehicle's OBD system to detect and report a malfunctioning, non-functioning, or missing Emission Related Part;

- If so, identify which Emission Related Part(s) the EM product affects (e.g., DPF, SCR, EGR);
- Identify the quantity that was sold by Gear Box Z to consumers with shipping addresses in the United States from January 1, 2015 through the date of this letter; and
- Identify the quantity that was sold by Gear Box Z to wholesalers, distributors, or authorized dealers from January 1, 2015 through the date of this letter.

6. For each EM product identified in Table 2:

- a. Indicate the vehicle applications by make, model, and year.
- b. Describe what the EM product does and how it functions or operates, including how the EM product bypasses Emission Related Parts or facilitates the operation of the vehicle with an Emission Related Part missing.
- c. Indicate whether the EM product is capable of bypassing or rendering inoperative any Emission Related Part without the use of additional equipment (e.g., the exhaust components identified in Table 1).
- d. Provide copies of the technical specifications, installation and operating instructions, and warranty information.
- e. Provide digital copies of all tune files (stock or custom) made available or installed through your tuning instruments or devices in a format which is readable without proprietary software. If there is no format which exists without use of such software – please provide the software needed.
- f. Provide a narrative explanation for the intended application for all tune files provided in response to Question 6.e.
- g. Describe the purpose and function of the following “add-ons” or “modes” offered by Gear Box Z:
 - Maintenance Mode or DPF-R

- Plus Tune
 - Tachyon Tune
 - Gauges and Monitoring System
- h. Indicate whether the component is described by Gear Box Z in any documentation, marketing materials, advertisements, websites, or other media with the following statement or similar language:

- “Legal for off-road or racing use only.”

Provide references to all materials containing such statements.

- i. If Gear Box Z has recommended that the EM product be used for testing, maintenance, racing, or off-road only, describe the mechanisms, if any, that Gear Box Z has implemented to ensure that the EM product is only used for such purposes.
 - j. Provide copies of receipts for each EM product sold by Gear Box Z to consumers with shipping addresses in the United States during since January 1, 2015 through the date of this letter.
 - k. Provide copies of invoices or receipts for each EM product sold by Gear Box Z to all wholesalers, distributors, or authorized dealers during from January 1, 2015 through the date of this letter.
 - l. Identify the name, address, contact person, and phone number of each wholesaler, distributor, and authorized dealer for which Gear Box Z provides an invoice or receipt in response to Question 6.k. For each entity identified, also identify the brand name under which each component is or has been marketed.
7. Provide the name and address of each location where any of the EM products identified in Table 2 have been or currently are being stored or offered for sale by Gear Box Z.
8. Indicate whether, since January 1, 2015, Gear Box Z has sold or offered for sale any EM products not identified in Table 2. If so, provide a list of each product and indicate whether the EM product (1) disables or renders inoperative an Emission Related Part, or (2) reads, clears, or prevents the occurrence of vehicle diagnostic trouble codes, or uses any other means to interfere with the proper functioning of the vehicle’s OBD system to detect and report a malfunctioning, non-functioning, or missing Emission Related Part.
9. Provide a list of all persons (as defined in Appendix A) that are affiliated with Gear Box Z. Describe the business relationships with these persons.

10. Provide a copy of your articles of incorporation and by-laws.
11. Identify your current net worth and annual revenue for the past calendar or fiscal year.
12. Identify each person responsible for responding to this Request for Information, including their title, and the request(s) to which they responded.

Table 1 – Exhaust Components

Exhaust Component	Does the component enable removal of an Emission Related Part (e.g., DPF, SCR, EGR)? (Y/N)	If so, which Emission Related Part(s) (e.g., DPF, CAT, EGR)?	No. of units sold to consumers with shipping addresses in the U.S. since January 1, 2015	No. of units sold to U.S. wholesalers, distributors, or authorized dealers since January 1, 2015
AFE 4" Down-Pipe Back CAT/DPF Delete Race Exhaust for Ford Trucks (AFEFP4F)				
AFE 4" Down-Pipe Back CAT/DPF Delete Race Exhaust for GM Trucks (AFEGMP4F)				
AFE 4" Turbo Back DPF Delete Race Exhaust for Dodge Trucks (AFEDP4F)				
AFE CAB & Chassis DPF Delete Race Exhaust for Dodge Trucks (AFEDPCC)				
AFE CAT/DPF Delete Race Exhaust for Dodge Trucks (AFEDP2)				
AFE CAT/DPF Delete Race Exhaust for Ford Trucks (AFEFP2)				
AFE DPF Delete Race Exhaust for Dodge Trucks (AFEDP)				
AFE DPF Delete Race Exhaust for Ford Trucks (AFEFP)				
AFE DPF Delete Race Exhaust for GM Trucks Crew Cab Long Box (AFEGMP-CCLB)				
AFE DPF Delete Race Exhaust for GM Trucks Crew Cab Short Bed (AFEGMP-CCSB)				
AFE DPF Delete Race Exhaust for GM Trucks Extended Cab Short Box (AFEGMP-ECSB)				
DPF-R Ford EGR Block Plates (GBZ-FBP)				

Table 2 – EM Products

EM Product	Does the EM product: (1) disable or render inoperative an Emission Related Part, or (2) prevent diagnostic trouble codes or interfere with the vehicle OBD system's ability to detect non-functioning or missing Emission Related Parts? (Y/N)	If so, which Emission Related Part(s) does the EM product affect (e.g., DPF, CAT, EGR)?	No. of units sold to consumers with shipping addresses in the U.S. since January 1, 2015	No. of units sold to U.S. wholesalers, distributors, or authorized dealers since January 1, 2015
Electron-Multifunction Performance Gauges (GBZ-EM1.0)				
Ford 4.0 Programmer (GBZ-FD40)				
Ford 4.0 Programmer Plus (GBZ-FED40)				
Duramax 4.0 Programmer (GBZ-GMD40)				
Duramax 4.0 Plus Programmer (GBZ-GMED40)				
Dodge 3.0 (GBZ-DD30)				
Electron – Ford 2008-2010 6.4L Power Stroke (GBZ-EM1.0)				
Electron – GM 2007.5-2010 LMM Duramax (GMZ-EM1.0)				
Electron – Ford 2011-2017 6.7L Power Stroke (GBZ-EM1.0)				
Electron – GM 2011-2017 LML Duramax (GBZ-EM1.0)				

Appendix D

Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by _____ [corporate affiliation] to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

Appendix E

Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 208(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this Request for Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business competitive edge. See 40 C.F.R. §§ 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this Request for Information, in accordance with 40 C.F.R.

§ 2.204(e)(4), the EPA is requesting that you answer the following requests with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential (*e.g.*, until a certain date, until the occurrence of a specified event or permanently)? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding requests? If so, you may provide such additional explanation.

You must furnish comments to the above requests concurrent with your response to this Request for Information if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline.

The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Rose Galer, Environmental Protection Specialist
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (ENF-2-1)
San Francisco, CA 94105

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these requests, as provided in 40 C.F.R. § 2.203(b). Information covered by such a business confidentiality claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.